

On June 7, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11819. Adulteration of shell eggs. U. S. v. 360 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17749. I. S. No. 4150-v. S. No. C-4079.)

On July 27, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 360 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Federal Cold Storage Co., from St. Louis, Mo., July 24, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 4, 1923, Alex Getz, Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11820. Misbranding of cottonseed meal and cottonseed feed. U. S. v. F. Spence Perry and Charles E. Ragan (Planters Oil Co.). Plea of guilty by Charles E. Ragan. Fine, \$25. Verdict of not guilty as to F. Spence Perry. (F. & D. No. 15261. I. S. Nos. 9158-t, 9164-t.)

On December 10, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. Spence Perry and Charles E. Ragan, copartners, trading as the Planters Oil Co., Boston, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, in two consignments, namely, on or about November 22 and 29, 1920, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal and cottonseed feed, respectively, which were misbranded. The articles were labeled in part, respectively: "Second Class Cotton Seed Meal Manufactured By Planters Oil Company Boston, Georgia Guaranteed Analysis: Ammonia, Actual and Potential 7%," "'Economy' Cotton Seed Feed * * * Guaranteed Analysis Protein, not less than 36% Ammonia, not less than 7% * * * Fibre, not more than 14%."

Analysis by the Bureau of Chemistry of this department of a sample of the cottonseed meal showed that it contained 6.47 per cent of ammonia. Analysis by said bureau of a sample of the cottonseed feed showed that it contained 35.12 per cent of protein, 6.83 per cent of ammonia, and 15.16 per cent of crude fiber.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Ammonia, Actual and Potential 7%" and "Guaranteed Analysis Protein, not less than 36% Ammonia, not less than 7% * * * Fibre not more than 14%," borne on the tags attached to the sacks containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles contained not less than 7 per cent of ammonia and that the cottonseed feed contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 7 per cent of ammonia and that the cottonseed feed contained not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas, in truth and in fact, the said articles did contain less than 7 per cent of ammonia and the said cottonseed feed did contain less than 36 per cent of protein and more than 14 per cent of fiber.

On June 14, 1923, Charles E. Ragan entered a plea of guilty to the information, and the court imposed a fine of \$25. On the same date on a plea of not guilty by F. Spence Perry, a verdict of not guilty was rendered as to the said defendant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11821. Adulteration and misbranding of molasses. U. S. v. 281 Cases of Molasses. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16395. I. S. No. 845-t. S. No. C-3653.)

On June 23, 1922, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 281 cases of molasses, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by Abe Azen, from Newcastle, Ind., May 6, 1922, and transported from the State of Indiana into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

It was alleged in substance in the libel that a portion of the article was misbranded in that the cans containing the said portion bore statements representing the contents of the said cans to be 1 pound 9 ounces or 2 pounds 5 ounces, each, as the case might be, which statements were false and misleading and were calculated to deceive and mislead the purchaser, in that the said cans contained less than the amounts declared thereon. Misbranding was alleged with respect to the said portion of the article for the further reason that it was food in package form, and the quantity and [of] the contents of the said cans was not plainly and conspicuously marked on the outside of each package.

On August 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11822. Adulteration and misbranding of vinegar. U. S. v. 30 Barrels of Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16586. I. S. No. 5579-t. S. No. E-4025.)

On July 5, 1922, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 barrels of vinegar at Woodsville, N. H., alleging that the article had been shipped by P. Garlock Co., from Newark, N. Y., on or about October 27, 1921, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar * * * Mfg. By P. Garlock Co. Newark, N. Y."

Adulteration of the article was alleged in the libel for the reason that evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for apple cider vinegar.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11823. Adulteration of canned cherries. U. S. v. 200 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16837. I. S. No. 86-v. S. No. E-4193.)

On September 29, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases, each containing 6 cans of cherries, remaining unsold in the original unbroken packages at New York, N. Y.,